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Attorneys for Plaintiffs,
UMG RECORDINGS, INC.; VIRGIN
RECORDS AMERICA, INC.; LAFACE
RECORDS LLC; SONY BMG MUSIC
ENTERTAINMENT; INTERSCOPE
RECORDS; and CAPITOL RECORDS,
INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UMG RECORDINGS, INC., a Delaware corporation; VIRGIN RECORDS AMERICA, INC., a California corporation; LAFACE RECORDS LLC, a Delaware limited liability company; SONY BMG MUSIC ENTERTAINMENT, a Delaware general partnership; INTERSCOPE RECORDS, a California general partnership; and CAPITOL RECORDS, INC., a Delaware corporation,
Plaintiffs,

JOHN DOE,
Defendant.

CASE NO. C 07-03093 HRL

Honorable Howard R. Lloyd

**EX PARTE APPLICATION TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND EXTEND TIME TO SERVE
DEFENDANT AND [PROPOSED] ORDER**

1 Plaintiffs hereby request that the Court continue the case management conference currently
 2 set for September 18, 2007, at 1:30 p.m. to December 18, 2007. Plaintiffs further request, pursuant
 3 to the Federal Rules of Civil Procedure, Rules 4(m) and 6(b)(1), that Plaintiffs' time to serve the
 4 Summons and Complaint on Defendant John Doe ("Defendant") be extended from October 11, 2007
 5 to January 9, 2008.

6 Plaintiffs filed the Complaint against Defendant on June 13, 2007. Also on June 13, 2007,
 7 Plaintiffs filed their *Ex Parte* Application for Leave to Take Immediate Discovery seeking the
 8 Court's permission to serve a Rule 45 subpoena on University of California, Berkeley ("UC
 9 Berkeley"). On June 20, 2007, this Court issued its Order Granting Plaintiffs' *Ex Parte* Application
 10 for Leave to Take Immediate Discovery authorizing Plaintiffs to serve a Rule 45 subpoena on UC
 11 Berkeley so that Plaintiffs could obtain information sufficient to identify Defendant.

12 UC Berkeley has responded to Plaintiffs' subpoena, and Plaintiffs have now determined the
 13 identity of Defendant. However, Plaintiffs are hopeful that this case will settle without the need to
 14 resort to further litigation. Accordingly, Plaintiffs are attempting to contact Defendant regarding
 15 settlement before amending the Complaint to name Defendant, and have sent Defendant a letter to
 16 that effect. Therefore, a case management conference is unnecessary at this time. Plaintiffs request
 17 that the Court continue the case management conference currently set for September 18, 2007, at
 18 1:30 p.m. to December 18, 2007. Given the foregoing circumstances, and because the original time
 19 period for Plaintiffs to serve the Summons and Complaint on Defendant will expire on October 11,
 20 2007, Plaintiffs further request that Plaintiffs' time to serve the Summons and Complaint on
 21 Defendant be extended to January 9, 2008.

22 Dated: September 11, 2007

HOLME ROBERTS & OWEN LLP

23 By: /s/ Matthew Franklin Jaksa

24 Matthew Franklin Jaksa

25 Attorney for Plaintiffs

26 UMG RECORDINGS, INC.; VIRGIN
 27 RECORDS AMERICA, INC.; LAFACE
 28 RECORDS LLC; SONY BMG MUSIC
 ENTERTAINMENT; INTERSCOPE
 RECORDS; and CAPITOL RECORDS,
 INC.

ORDER

Good cause having been shown:

IT IS ORDERED that the case management conference currently set for September 18, 2007, at 1:30 p.m. be continued to December 18, 2007.

IT IS FURTHER ORDERED that, pursuant to the Federal Rules of Civil Procedure, Rules 4(m) and 6(b), Plaintiffs' time to serve the summons and complaint on Defendant is hereby extended to January 9, 2008.

Dated: _____

By: _____

Honorable Howard R. Lloyd
United States Magistrate Judge